

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ARIZONA

IN RE BARD IVC FILTERS
PRODUCTS LIABILITY LITIGATION

No. MD-15-02641-PHX-DGC

This Document Relates to:

Mitchell Blankumsee
Case No.: 2:17-cv-01953-DGC

DECLARATION IN SUPPORT OF
MOTION TO WITHDRAW AS COUNSEL OF RECORD

I, A. LAYNE STACKHOUSE, hereby declare as follows:

1. My name is A. Layne Stackhouse and I am an attorney practicing at the law firm Shrader & Associates, L.L.P.'s office in Houston, Texas.

2. This Declaration is submitted in support of the Motion to Withdraw as Counsel of Record filed on behalf of myself.

3. I make this Declaration based upon my personal knowledge and would competently testify to the matters set forth herein if called as a witness.

4. I filed this action on June 22, 2017 on behalf of Plaintiff Mitchell Blankumsee, alleging injuries due to his Bard IVC filter. A timely-submitted and verified party profile form was served to defense counsel on August 21, 2017.

5. On December 12, 2017, after not being able to reach Mr. Blankumsee on his personal phone to check in with him and provide an update on his case, my staff called his alternate contact, his next of kin, Ms. Carol Blankumsee. Ms. Blankumsee informed my

1 staff that Mr. Blankumsee had passed away in late November. My staff informed Ms.
2 Blankumsee that certain steps would need to be taken to continue the case and sent
3 paperwork to Ms. Blankumsee to be able to do so, as well as to be able to get a copy of
4 the death certificate.
5

6 6. Between late December 2017 and May 11, 2018, I left multiple messages
7 for Ms. Blankumsee to ascertain whether she wanted to continue the case. My office sent
8 a letter to her address on June 5, 2018 since we were not able to reach her via phone,
9 asking for her to call us.
10

11 7. On June 26, 2018, I attempted to call again but this time, Ms. Blankumsee's
12 phone was not in service. My office then sent another letter, this time through FedEx,
13 asking for her to call us as soon as possible. My office never received a response to these
14 attempts at communication.
15

16 8. On August 2, 2018, I sent Ms. Blankumsee a letter outlining in writing what
17 steps needed to be taken to continue the case, and informed Ms. Blankumsee that if these
18 steps were not promptly taken, we would not be able to continue the case. I sent follow up
19 letter to this initial letter, all explaining the same, on August 20, 2018 and September 18,
20 2018.
21

22 9. On October 11, 2018, shortly before I intended to file the present motion, I
23 called Ms. Blankumsee's number one last time, and this time, was able to reach her. I
24 confirmed the address we had been sending correspondence to was correct and explained,
25 again, that certain steps would need to be taken to continue the case. Ms. Blankumsee
26 asked me to follow up with her the following week.
27
28

1 10. On October 18, 2018, I spoke with Ms. Blankumsee again and she informed
2 me that she wanted to dismiss the case. My office sent a letter to obtain written consent to
3 dismiss to Ms. Blankumsee's address and email on the same date. This letter was never
4 signed and returned.
5

6 11. My office called and/or emailed Ms. Blankumsee on October 19, 2018,
7 October 26, 2018, and November 5, 2018, in an attempt to reach her regarding her verbal
8 request for dismissal and our letter to confirm this in writing. None of our messages were
9 responded to.
10

11 12. On November 5, 2018, I sent one final letter to Ms. Blankumsee informing
12 her I would be moving to withdraw as counsel of record in this case this week.
13

14 13. As of today's date, counsel for Plaintiff has not received any further
15 response from Ms. Blankumsee.
16

17 I certify that all of the foregoing statements made by me are true and accurate
18 under penalty of perjury.
19

20
21 Dated: November 14, 2018.
22

23 By: /s/ A. Layne Stackhouse
24 A. LAYNE STACKHOUSE, ESQ.
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